

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 EUMI L. CHOI (WVBN 0722)
3 Chief, Criminal Division

4 JOSEPH A. FAZIOLI (ILSBN 6273413)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
7 Telephone: (415) 436-7129
FAX: (415) 436-7234

8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

FILED

NOV 30 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 REY MARTINEZ,

18 Defendant.

No. CR 04-0189 VRW

STIPULATION AND ~~PROPOSED~~
ORDER ADJUSTING MOTION
BRIEFING SCHEDULE AND
EXCLUDING TIME FROM THE SPEEDY
TRIAL ACT CALCULATION (18 U.S.C. §
3161(h)(8)(A))

19
20 This matter is currently for hearing on defendant's motion to suppress on December 13,
21 2005. The parties now jointly request that the briefing schedule in this matter be adjusted. This
22 joint request is a result of scheduling issues that have arisen for both parties after the setting of
23 the briefing schedule. Furthermore, defense counsel had previously requested that the
24 government obtain and provide an additional document to the defense for potential incorporation
25 into its moving papers. Defense counsel recently provided some additional specific information
26 to the government that enabled it, this week, to obtain the requested document and provide it to
27 the defense. Defense counsel would now like an opportunity to review this newly provided
28 document and see whether the previously filed motion to suppress needs to be revised to take that

STIPULATION AND [PROPOSED] ORDER
CR 04-0189 VRW


document into account and/or additional pre-trial motions need to be filed. It is the parties' understanding that the Court is available on January 24, 2006.

In light of the above, the parties agree, and the Court finds and holds, as follows:

1. Any revised defense pre-trial motions and/or additional pre-trial motions beyond those already filed with the Court are due no later than Friday, December 9, 2005.
2. Government's response to defendant's pre-trial motions is due no later than Friday, December 23, 2005.
3. Defendant's reply is due no later than Tuesday, January 10, 2006.
4. The hearing on defendant's motion to suppress (and any additional pre-trial motions to be filed) shall take place on Tuesday, January 24, 2006.
5. The time between December 13, 2005 and January 24, 2006 is excluded under the Speedy Trial Act. The parties agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

STIPULATED:

DATED: 26/05



BILL FAZIO
Attorney for Defendant Martinez

DATED: 11/28/05


JOSEPH A. FAZIOLI
Assistant United States Attorney

IT IS SO ORDERED.

DATED: _____


VAUGHN R. WALKER
UNITED STATES DISTRICT JUDGE